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PTO FAX NO.: 1 (571) 273-8300

Attorney Docket No. OP-12

Customer No: 021394

Application No.: ~~09/781,792~~

Deposit Account No.: 50-0359

09/781,793

**CERTIFICATION OF FACSIMILE TRANSMISSION**

In connection with U.S. Patent Application of Seth A. Foerster et al., Application No. ~~09/781,792~~ <sup>09/781,793</sup>  
hereby certify that the following **Petition for Revival of an Application for Patent Abandoned**  
**Unintentionally under 37 CFR 1.137(b)** are being facsimile transmitted to the Patent and Trademark  
Office on the date shown below.

Number of pages being transmitted, including this page: 3

Dated: 3/22/06

  
Michelle Nicely

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 CFR 1.137(b)

First named inventor: Seth A. Foerster

Docket Number: OP-12

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Application No.: 09/781,793, 09/781,793

Examiner: Andrea Ragonese

MAR 22 2006

Filed: February 12, 2001

Art Unit: 3743

Title: Method and Apparatus for Attaching Connective Tissues to Bone Using Knotless Suture Anchoring Device

Attention: Office of Petitions, Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity – fee **\$1500** (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of authorization to charge Applicant's Deposit account 50-0359 in the amount of \$700. (Identify type of reply)

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of **\$1000.**

- ☒ has been paid previously on April 26, 2005.
- ☐ is enclosed herewith.

## 3. Terminal Disclaimer with disclaimer fee.

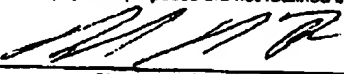
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in document submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Check and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature  
RICHARD P. BATT  
Typed or printed name  
680 VAQUETUS AVE  
Address  
SUNNYVALE CA  
Address

3/22/2006  
Date  
43485  
Registration Number  
408.735.6323  
Telephone Number

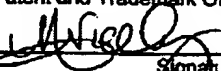
- ENCLOSURES: ☒ Fee Payment  
☐ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this is correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.  
☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

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Signature  
MICHELLE NICELY  
Typed or printed name of person signing certificate

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